

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DIEGO AGUILAR-VALDOVINOS,

Petitioner,

v.

ISRAEL JACQUEZ,

Respondent.

Case Nos. 3:24-cv-00143-JE &
3:24-cv-00022-JE

**ORDER ADOPTING FINDINGS &
RECOMMENDATION**

Diego Aguilar-Valdovinos, Reg. No. 50029-086, FPC Duluth, Federal Prison Camp, P.O. Box. 1000, Duluth, MN 55814. Pro se.

Benjamin T. Hickman, Assistant United States Attorney, & Natalie K. Wight, United States Attorney, 1000 SW Third Avenue, Suite 600, Portland, OR 97204. Attorneys for Respondent.

IMMERGUT, District Judge.

On October 22, 2024, Magistrate Judge Jelderks issued his Findings and Recommendation (“F&R”), ECF 17, recommending that Petition’s Petition for Writ of Habeas Corpus, ECF 1, be dismissed for lack of jurisdiction.¹ No objections were filed.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

¹ ECF numbers in this Order refer to filings in the lead case, No. 3:24-cv-00143-JE.

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having timely filed objections, the Court has reviewed the F&R, ECF 17, for clear error. *See* Fed. R. Civ. P. 72(b) Advisory Committee Notes. Having reviewed the record, this Court finds no clear error in Judge Jelderks's F&R. The F&R, ECF 17, is ADOPTED in full. Petitioner's Petition for Writ of Habeas Corpus, ECF 1, is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

DATED this 15th day of November, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge